

REMARKS

In the Office Action, dated November 26, 2002, the Examiner states that Claims 1-35 are pending and Claims 1-35 are rejected. By the present Amendment, Applicant amends the claims.

In the Office Action, the Patent Office rejects Claims 1-11, 13-20, 22 and 24-26 under 35 USC §102(b) as anticipated by the Applicant's prior US Patent No. 5,531,050. Applicant has cancelled Claims 1-10, but respectfully disagrees with this rejection as to the other claims.

Claims 11-28 are directed to a window wrap device. In contrast, US 5,531,050 claims a corner finishing device. While there are similar features to both the window wrap and corner finishing device, not all the features of the window wrap as claimed are disclosed by the corner finishing device.

Independent Claim 11 (the other rejected claims being dependent thereon) claims multiple components, each of the components connected to each other at their longitudinal ends so that the wall extensions of each of said components all extend outwardly from their said joint and lie in the same plane, the jamb/sill extensions of each said portion of all extending rearwardly from their said joint, each said jamb/sill extension lying perpendicular to the wall extensions, to form the window wrap. There is absolutely no disclosure in US 5,531,050 for a window wrap having these new features.

Under 35 USC §102, anticipation requires that a single reference discloses each and every element of Applicant's claimed invention. *Akzo N.V. v. US International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d.1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the references are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

Since the Applicant's prior US Patent No. 5,531,050 fails to disclose all the elements defined in Applicant's claimed invention, the rejection under 35 USC §102(b) has been overcome and should be withdrawn.

In the Office Action, the Patent Office rejects Claims 12, 21, 23 and 27-35 under 35 USC §103(a) as being unpatentable over Applicant's prior US Patent No. 5,531,050. The Applicant respectfully disagrees with this rejection.

As previously mentioned, Claims 11-28 are directed to a window wrap device. Claims 29-35 are directed to a method of finishing a window frame with the window wrap device.

As previously stated, the Applicant's prior US Patent No. 5,531,050 does not disclose all the elements of the presently claimed window wrap. That patent also does not disclose a method of finishing a window frame. The rejection is not based on any other cited prior art reference but merely states that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the corner finishing device of US 5,531,050 to create the claimed window wrap of the present application and to finish a window with the window wrap. However, the Patent Office has failed to provide any further cited prior art reference to support the position that it would have obvious to modify the Applicant's prior invention.

It is submitted that the question under 35 USC §103(a) is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. *In re Simon*, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

The test is whether the invention as a whole, in light of all the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). A teaching, suggestion or incentive must exist to make the combination made by the inventor. *Interconnect Planning Corp. v. Fell*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

However, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have modified the corner finishing devices of US 5,531,050 to create the claimed window wrap and method of finishing a window, without using impermissible hindsight. Further, the Examiner has taken Official Notice of the fact that such modification would have been obvious. Applicant

challenges the Examiner's personal knowledge of what one of ordinary skill in the art knows and would consider obvious, and would like the Examiner to produce support for his personal knowledge.

Applicant has added new Claims 36-45 directed to the use of drywall corner finishing device components to form a window wrap. As previously discussed, the Applicant's prior US Patent No. 5,531,050 does not disclose, teach or suggest the use of drywall components for use as a window wrap.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in better condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

February 5, 2003

Date

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DOCKET: CU-2646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO: 09/981,089)
FILED: October 16, 2001) Group Art Unit: 3637
TITLE: Window Wrap) Examiner: Phi Dieu N. Tran

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

MARKED VERSION OF AMENDED CLAIMS

1. CANCELLED
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11. A window wrap for use in forming a finished window frame around a rough window frame, said window wrap comprising multiple components, each component comprising two extensions, a wall extension and a jamb/sill extension, the wall extension having a front and rear surface, said front and rear surface having inner and outer edges, reinforcing structure extending between the front and rear surfaces of the wall extension, the inner edges of the two extensions being joined at a joint extending along a longitudinal axis, said front and rear surfaces having outer portions which are free of reinforcing structure, each of the components are connected to each other at their longitudinal ends so that the wall extensions of each said components all extend outwardly from their said joint and lie in the same plane, the jamb/sill extensions of each said portion all extend rearwardly from their said joint, each said jamb/sill extension lying perpendicular to the wall extensions.

12. The window wrap of Claim 11 wherein the window wrap comprises four jamb and sill components, each connected to each other at their longitudinal ends at a right angle to each other to form a rectangular shape.

13. The window wrap of Claim 11 wherein the jamb/sill extension has a front and rear surface, said front and rear surface having inner and outer edges with reinforcing structure extending between the front and rear surface.

14. The window wrap of Claim 11 wherein said joint is flexible and the inner edges of the rear surface are spaced apart from each other outwardly of the flexible joint.

15. The window wrap of Claim 13 wherein the outer portion of the rear surface forms a longitudinal hinge with the adjacent reinforcing structure whereby the outer portion of the rear surface of each extension may pivot rearwardly to receive drywall panels of varying thicknesses.

16. The window wrap of Claim 13 wherein said front and rear surfaces of said extensions converge toward each other in a direction outwardly of said joint.

17. The window wrap of Claim 13 wherein the said reinforcing structure further comprises a plurality of struts extending between said front and rear surfaces of each extension.

18. The window wrap of Claim 17 wherein insulation is used to fill the gaps between said struts and said front and rear surfaces of each extension.

19. The window wrap of Claim 13 wherein said outer portion of said rear surface of each extension provides a flange for attaching said window wrap to framing.

20. The window wrap of Claim 13 wherein said front surface of each extension is covered by a primer or laminate.

21. The window wrap of Claim 13 wherein said front surface of each extension is covered with an extensible paper laminate affixed by an adhesive which remains pliable and does not negate the extensible properties of the paper laminate under normal working conditions.

22. The window wrap of Claim 15 in combination with a block positioned adjacent to the rear surface of an extension when used with a drywall panel which is thicker than the normal opening between the outer portions of the front and rear surfaces of the extension, to allow the drywall panel and the window

wrap to remain parallel to the framing surface on which the drywall panel and window wrap are affixed.

23. The window wrap of Claim 13 wherein the inside surface of the outer portions of said front and rear surfaces of an extension is affixed by an adhesive to the drywall panel which is being used with the window wrap extension.

24. The window wrap of Claim 13 wherein one or both of the outer portions of said front and rear surfaces of an extension is removed or excluded.

25. The window wrap of Claim 11 wherein said jamb/sill extensions are cut or otherwise shortened to accommodate for a jamb/sill which is shallower than the length of the jamb/sill extension.

26. The window wrap of Claim 13 wherein a length of drywall is inserted in the opening between the outer portions of the front and rear surfaces of the jamb/sill extension to accommodate for a jamb/sill which is deeper than the length of the jamb/sill extension.

27. The window wrap of Claim 11 wherein each of the components are connected to each other by a mitered-joint.

28. The window wrap of Claim 27 wherein each of the mitered-joints are fused or welded together.

29. A method of finishing a window frame, the window frame having two side jambs, a head sill, and a bottom sill, comprising the steps of:

providing a window wrap comprising two jamb components, a head sill component, and a bottom sill component, each component comprising two extensions, a wall extension and a jamb/sill extension, each extension having a front and rear surface, said front and rear surface having inner and outer edges, reinforcing structure extending between the front and rear surfaces of each of the two extensions, the inner edges of the two extensions being joined at a joint extending along a longitudinal axis, said front and rear surfaces having outer portions which are free of reinforcing structure, each of the jamb and sill components are connected to each other at their longitudinal ends at a right angle to each other to form a rectangular shape and so that the wall extensions of each said jamb and sill component all extend outwardly from their said joint and lie in the same plane, and the jamb/sill extensions of each said jamb and sill component all extend rearwardly from their said joint, each said jamb/sill extension lying perpendicular to each adjacent jamb/sill extension and wall extension.

inserting the window wrap into a rough window frame;
affixing the window wrap and inserted drywall panels to the framing surface;
applying plaster or plaster alternative in the area where the window wrap and drywall panels meet to create a smooth[;]₁ level surface between the device and panels;
allowing the plaster or plaster alternative to dry; and
applying paint or other surface covering to the installed window wrap and drywall panels.

30. A method of finishing a window frame, the window frame having two side jambs, a head sill, and a bottom sill, comprising the steps of:

providing a window wrap comprising two jamb components, a head sill component, and a bottom sill component, each component comprising two extensions, a wall extension and a jamb/sill extension, each extension having a front and rear surface, said front and rear surface having inner and outer edges, reinforcing structure extending between the front and rear surfaces of each of the two extensions, the inner edges of the two extensions being joined at a joint extending along a longitudinal axis, said front and rear surfaces having outer portions which are free of reinforcing structure, the outer portion of the rear surface forming a longitudinal hinge with the adjacent reinforcing structure whereby the outer portion of the rear surface of each extension may pivot rearwardly to receive drywall panels of varying thicknesses, each of the jamb and sill components are connected to each other at their longitudinal ends at a right angle to each other to form a rectangular shape so that the wall extensions of each said jamb and sill component all extend outwardly from their said joint and lie in the same plane, the jamb/sill extensions of each said jamb and sill component all extend rearwardly from their said joint, each said jamb/sill extension lying perpendicular to each adjacent jamb/sill extension and wall extension;

applying an adhesive to the inside surface of the outer portion of the front and rear surfaces of the wall extensions;

inserting drywall panels into spaces between the front and rear surfaces of each wall extension;

if necessary, placing shims between the window wrap and the framing surfaces;

inserting the window wrap into a rough window frame;

affixing the window wrap and inserted drywall panels to the framing surface by applying an adhesive between the window wrap and the framing surface;

applying plaster or plaster alternative in the area where the window wrap and drywall panels meet to create a smooth, level surface between the device and panels;

allowing the plaster or plaster alternative to dry; and

applying paint or other surface covering to the installed window wrap and drywall panels.

31. The method as in Claim 29 wherein one or both of the outer portions of said front and rear surfaces of an extension is removed and the window wrap is inserted into a rough window frame before the drywall panels are affixed to the framing surface.

32. The method as in Claim 29 wherein the jamb/sill extensions are cut or otherwise shortened, before the window wrap is inserted into the rough window frame, to provide a jamb/sill which is shallower than the length of the jamb/sill extension.

33. The method as in Claim 29 wherein an adhesive is also applied to the inside surface of the jamb/sill extensions and a length of drywall is inserted in the opening between the outer portions of the front and rear surface of the jamb/sill extension to provide a jamb/sill which is deeper than the length of the jamb/sill extension.

34. The method as in Claim 33 wherein if the inserted drywall panels are thicker than the normal space between the outer portions of the front and rear surfaces of the extensions, a block is placed adjacent to the rear surface of each wing which accommodates the drywall panel which is thicker than the normal space, to allow the drywall panel and the window wrap to remain parallel to the framing surface on which the drywall panel and window wrap are affixed.

35. The method as in Claim 29 wherein the plaster or plaster alternative is not applied.

36. The use of corner finishing device components to form a window wrap for framing inside surfaces of a window frame and surrounding inner wall surfaces comprising:

providing multiple components having a predetermined length between longitudinal ends, each component having a wall extension and a jamb/sill

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extension, each extension having a front and rear surface, said front and rear surface having inner and outer edges, reinforcing structure extending between the front and rear surfaces of the wall extension, the inner edges of the two extensions being joined at a joint extending along a longitudinal axis, said front and rear surfaces having outer portions which are free of reinforcing structure, an outer portion of the rear surface of the wall extension forming a longitudinal hinge with the adjacent reinforcing structure whereby the outer portion of the rear surface may pivot rearwardly to receive panels of varying thicknesses, the longitudinal ends of each component being formed such that the components may be connected together at the longitudinal ends to form said window wrap in which the wall extensions of each of said components all extend outwardly from said joint and lie in the same plane, and the jamb/sill extensions of each of said components all extend rearwardly from said joint to lie in a plane perpendicular to the wall extensions; and
connecting said components together at the component longitudinal ends to form said window wrap.

37. The use of corner finishing device components as claimed in Claim 36 wherein said jamb/sill extension has a front and rear surface separated by reinforcing structure.

38. The use of corner finishing device components as claimed in Claim 37 wherein the outer portions of said front and rear surfaces of the jamb/sill extension are free of reinforcing structure.

39. The use of corner finishing device components as claimed in Claim 36 wherein said joint is a flexible joint.

40. The use of corner finishing device components as claimed in Claim 36 wherein said wall and jamb/sill extensions extend from the joint at a 90° angle from each other.

41. The use of corner finishing device components as claimed in Claim 37 wherein either of the outer portions of the front surfaces of the wall and jamb/sill extensions do not extend past said reinforcing structure.

42. The use of corner finishing device components as claimed in Claim 37 wherein both the outer portions of the front surfaces of the wall and jamb/sill extensions do not extend past said reinforcing structure.

43. The use of corner finishing device components as claimed in
Claim 37 wherein either of the outer portions of the rear surfaces of the wall
and jamb/sill extensions does not extend past said reinforcing structure.

44. The use of corner finishing device components as claimed in
Claim 37 wherein both of the outer portions of the rear surfaces of the wall and
jamb/sill extensions do not extend past said reinforcing structure.

45. The use of corner finishing device components as claimed in
Claim 37 wherein none of the outer portions of the front and rear surfaces of
the wall and jamb/sill extensions extend past said reinforcing structure.

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